

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapter N 3

Relating to: Examining councils on registered nurses and licensed practical nurses

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

This proposed rule revision will repeal ch. N 3, "Examining Councils." The Wisconsin Board of Nursing's examination councils are inactive and the statutory authority for these councils was repealed in Wisconsin's 2015-2017 biennial budget. This revision will align the Board's administrative rules with current practice and the Board's statutory authority.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section 441.05, Stats, authorized the creation of examining councils for registered nurses, which were established to prepare or select written examination questions and administer examinations used as part of the licensure requirements for Registered Nurses (RN's) and Licensed Practical Nurses (LPN's). Wisconsin now requires RN's and LPN's to complete the National Council Licensure Examination (NCLEX) and no longer creates its own examinations, making the role of the examination council obsolete.

Section 16.42 (3), Stats., also requires that the Department of Administration recommend for elimination any board, council, or commission if the council, board or commission is not required under federal law and has not held a meeting since the preceding September 15. Wisconsin's 2015-2017 biennial budget, 2015 Wisconsin Act 55, repealed s. 441.05, Stats., eliminating the authorization for Board of Nursing's examining council.

If this rule is not adopted, the Wisconsin Board of Nursing's administrative rules will not reflect its current statutory authority and current practice for licensing RN's and LPN's.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Statutory authority for this rule is found in ss. 15.08 (5) (b) and 441.01 (3), Stats.

Section 15.08 (5) (b), Stats., authorizes each examining board to promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 441.01 (3), Stats., authorizes the Board of Nursing to establish rules to prevent unauthorized persons from practicing professional nursing and to approve all rules for the administration of ch. 441, Stats., in accordance with ch. 227.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours.

6. List with description of all entities that may be affected by the proposed rule:

Since the examining councils are obsolete, this rule revision is not anticipated to have an affect on any entity.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no existing or proposed federal regulations that are intended to address the activity regulated by the proposed rule revision.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

This rule has no anticipated economic impact.

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